



POLITICS & POLICY

Voter Fraud: We've Got Proof It's Easy

By JOHN FUND | January 12, 2014 11:30 PM

Undercover agents were able to vote as dead people, but election officials are attacking the agents.



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Liberals who oppose efforts to prevent voter fraud claim that there is no fraud — or at least not any that involves voting in person at the polls.

But New York City's watchdog Department of Investigations has just provided the latest evidence of how easy it is to commit voter fraud that is almost undetectable. DOI undercover agents showed up at 63 polling places last fall and pretended to be voters who should have been turned away by election officials; the agents assumed the names of individuals who had died or moved out of town, or who were sitting in jail. In 61 instances, or 97 percent of the time, the testers were allowed to vote. Those who did vote cast only a write-in vote for a "John Test" so as to not affect the outcome of any contest. DOI published its findings two weeks ago in a searing 70-page report accusing the city's Board of Elections of incompetence, waste, nepotism, and lax procedures.

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of 350 people, reacted in classic bureaucratic fashion, which prompted one city paper to **deride** it as “a 21st-century survivor of Boss Tweed–style politics.” The Board approved a resolution referring the DOI’s investigators for prosecution. It also asked the state’s attorney general to determine whether DOI had violated the civil rights of voters who had moved or are felons, and it sent a letter of complaint to Mayor Bill de Blasio. Normally, I wouldn’t think de Blasio would give the BOE the time of day, but New York’s new mayor has long been a close ally of former leaders of ACORN, the now-disgraced “community organizing” group that saw its employees convicted of voter-registration fraud all over the country during and after the 2008 election.

Greg Soumas, president of New York’s BOE, offered a **justification** for calling in the prosecutors: “If something was done in an untoward fashion, it was only done by DOI. We [are] unaware of any color of authority on the part of [DOI] to vote in the identity of any person other than themselves — and our reading of the election law is that such an act constitutes a felony.” The Board is bipartisan, and all but two of its members voted with Soumas. The sole exceptions were Democrat Jose Araujo, who abstained because the DOI report implicated him in hiring his wife and sister-and-law for Board jobs, and Republican Simon Shamoun.

Good-government groups are gobsmacked at Soumas’s refusal to smell the stench of corruption in his patronage-riddled empire. “They should focus not on assigning blame to others, but on taking responsibility for solving the problems themselves,” Dick Dadey of the watchdog group Citizens Union told the *Daily News*. “It’s a case of the Board of Elections passing the buck.” DOI officials respond that the use of undercover agents is routine in anti-corruption probes and that people should carefully read the 70-page report they’ve filed before criticizing it. They are surprised how little media attention their report has received.



You’d think more media outlets would have been interested, because the sloppiness revealed in the DOI report is mind-boggling. Young undercover agents





fact were dead. In one example, a 24-year female agent gave the name of someone who had died in 2012 at age 87; the workers at the Manhattan polling site gave her a ballot, no questions asked. Even the two cases where poll workers turned away an investigator raise eyebrows. In the first case, a poll worker on Staten Island walked outside with the undercover investigator who had just been refused a ballot; the “voter” was advised to go to the polling place near where he used to live and “play dumb” in order to vote. In the second case, the investigator was stopped from voting only because the felon whose name he was using was the son of the election official at the polling place.

Shooting the messenger has been a typical reaction in other states when people have demonstrated just how easy it is to commit voter fraud. Guerrilla videographer James O’Keefe had three of his assistants visit precincts during New Hampshire’s January 2012 presidential primary. They asked poll workers whether their books listed the names of several voters, all deceased individuals still listed on voter-registration rolls. Poll workers handed out ten ballots, never once asking for a photo ID. O’Keefe’s team immediately gave back the ballots, unmarked, to precinct workers. Debbie Lane, a ballot inspector at one of the Manchester polling sites, later **said**: “I wasn’t sure what I was allowed to do. . . . I can’t tell someone not to vote, I suppose.” The only precinct in which O’Keefe or his crew did *not* obtain a ballot was one in which the local precinct officer had personally known the dead “voter.”

New Hampshire’s Democratic governor, John Lynch, sputtered when asked about O’Keefe’s video, and he condemned the effort to test the election system even though no actual votes were cast. “They should be prosecuted to the fullest extent of the law, if in fact they’re found guilty of some criminal act,” he roared. But cooler heads eventually prevailed, and the GOP state legislature later approved a voter-ID bill, with enough votes to override the governor’s veto. Despite an exhaustive and intrusive investigation, no charges were ever filed against any of O’Keefe’s associates.





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Later in 2012, in Washington, D.C., one of O’Keefe’s assistants was able to obtain Attorney General Eric Holder’s ballot even though Holder is 62 years old and bears no resemblance to the 22-year-old white man who obtained it merely by asking if Eric Holder was on the rolls. But the Department of Justice, which is currently suing Texas to block that state’s photo-ID law, dismissed the Holder ballot incident as “manufactured.” The irony was lost on the DOJ that Holder, a staunch opponent of voter-ID laws, could have himself been disenfranchised by a white man because Washington, D.C., has no voter-ID law. Polls consistently show that more than 70 percent of Americans — including clear majorities of African Americans and Hispanics — support such laws.

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Liberals who oppose ballot-security measures claim that there are few prosecutions for voter fraud, which they take to mean that fraud doesn’t happen. But as the New York DOI report demonstrates, it is comically easy, given the sloppy-voter registration records often kept in America, to commit voter fraud in person. (A 2012 study by the Pew Research Center found that nationwide, at least 1.8 million deceased voters are still registered to vote.) And unless someone confesses, in-person voter fraud is very difficult to detect — or stop. New York’s Gothamist news service reported last September that four poll workers in Brooklyn reported they believed people were trying to vote in the name of other





voter fraud isn't under the police department's purview.

What the DOI investigators were able to do was eerily similar to actual fraud that has occurred in New York before. In 1984, Brooklyn's Democratic district attorney, Elizabeth Holtzman, released a state grand-jury report on a successful 14-year conspiracy that cast thousands of fraudulent votes in local, state, and congressional elections. Just like the DOI undercover operatives, the conspirators cast votes at precincts in the names of dead, moved, and bogus voters. The grand jury recommended voter ID, a basic election-integrity measure that New York has steadfastly refused to implement.

In states where non-photo ID is required, it's also all too easy to manufacture records that allow people to vote. In 2012, the son of Congressman Jim Moran, the Democrat who represents Virginia's Washington suburbs, had to resign as field director for his father's campaign after it became clear that he had encouraged voter fraud. Patrick Moran was caught advising an O'Keefe videographer on how to commit in-person voter fraud. The scheme involved using a personal computer to forge utility bills that would satisfy Virginia's voter-ID law and then relying on the assistance of Democratic lawyers stationed at the polls to make sure the fraudulent votes were counted. Last year, Virginia tightened its voter-ID law and ruled that showing a utility bill was no longer sufficient to obtain a ballot.

Given that someone who is dead, is in jail, or has moved isn't likely to complain if someone votes in his name, how do we know that voter fraud at the polls isn't a problem? An ounce of prevention — in the form of voter ID and better training of poll workers — should be among the minimum precautions taken to prevent an electoral miscarriage or meltdown in a close race.



After all, even a small number of votes can have sweeping consequences. Al Franken's 312-vote victory in 2008 over Minnesota senator Norm Coleman gave





pass Obamacare. Months after the Obamacare vote, a conservative group called Minnesota Majority finished comparing criminal records with voting rolls and identified 1,099 felons — all ineligible to vote — who had voted in the Franken–Coleman race. Fox News random interviews with ten of those felons found that nine had voted for Franken, backing up national academic studies that show felons tend to vote strongly for Democrats.

Minnesota Majority took its findings to prosecutors across the state, but very few showed any interest in pursuing the issue. Some did, though, and 177 people have been convicted as of mid 2012 — not just “accused” but actually *convicted* — of voting fraudulently in the Senate race. Probably the only reason the number of convictions isn’t higher is that the standard for convicting someone of voter fraud in Minnesota is that the person must have been both ineligible and must have “knowingly” voted unlawfully. Anyone accused of fraud is apt to get off by claiming he didn’t know he’d done anything wrong.

Given that we now know for certain how easy it is to commit undetectable voter fraud and how serious the consequences can be, it’s truly bizarre to have officials at the New York City Board of Elections and elsewhere savage those who shine a light on the fact that their modus operandi invites fraud. One might even think that they’re covering up their incompetence or that they don’t want to pay attention to what crimes could be occurring behind the curtains at their polling places. Or both.

— *John Fund is a national-affairs columnist for National Review Online. Along with Hans von Spakovsky, he is the author of **Who’s Counting: How Fraudsters and Bureaucrats Put Your Vote at Risk.***



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